

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LUIS (JANER) RULLAN

*

v.

*

Civil No.: CCB-17-3741

JILL K. GODEN, et al.

*

ORDER

The record in this case has been reviewed. My rulings follow.

First, the defendants' motion to vacate entry of judgment and allow late filing of an answer (ECF No. 62) is **Granted**. The defendants' delay was relatively short, there may have been confusion about whether a stay was in place, and the Fourth Circuit has often stated that a decision on the merits is preferable.

Second, the motion for preliminary injunction (ECF No. 47) is **Denied**. The current four-part test for granting such relief is set forth in *Real Truth About Obama, Inc. v. Fed. Election Comm'n*, 575 F.3d 342, 346-47 (4th Cir. 2009) *vacated on other grounds*, 559 U.S. 1089 (2010), *reinstated in relevant part on remand*, 607 F.3d 355 (4th Cir. 2010). The plaintiff Luis Rullan has failed to make a clear showing of his likelihood of success on the merits of his conspiracy and fraud claims such as to justify the extraordinary business restrictions he seeks to have imposed on defendants Jill Goden and Frederick Greenberg. In any event, a significant number of the defendants' assets already are under the supervision of the bankruptcy court. Nor has Mr. Rullan shown that the likelihood of any immediate or irreparable harm to himself outweighs the hardship that would be imposed on the defendants by the injunction.

So Ordered this 7th day of December, 2018.

/S/

CCB

Catherine C. Blake
United States District Judge